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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

STATE OF CALIFORNIA, et al.,  
  
Plaintiffs,  
  
v.  
  
WILBUR L. ROSS, JR., et al.,  
  
Defendants.

Case No. 3:18-cv-01865-RS

**DECLARATION OF KAREN RYBACK IN  
SUPPORT OF LOS ANGELES UNIFIED  
SCHOOL DISTRICT'S OPPOSITION TO  
MOTION FOR SUMMARY JUDGMENT**

Judge: Hon. Richard Seeborg  
Courtroom: 3  
Date: December 7, 2018  
Time: 10:00 a.m.

Complaint filed March 26, 2018  
First Amended Complaint filed May 4, 2018

Trial date: January 7, 2019

**DECLARATION OF KAREN RYBACK**

I, Karen Ryback, declare as follows:

1. I am the Executive Director for Federal and State Education Programs for the Los Angeles Unified School District (“District”), the plaintiff-intervenor in this matter of *State of California v. Ross*, U.S. District Court for the Northern District of California, case no. 3:18-cv-01865. I have personal knowledge of the facts set forth in this declaration and if called as a witness could competently testify as follows.

2. In my capacity as Executive Director for Federal and State Education Programs for LAUSD, I am familiar with federal educational funding programs that distribute funds to the District.

3. Title I, Part A (“Title I”) of the Elementary and Secondary Education Act (“ESEA”), as amended by the Every Student Succeeds Act (“ESSA”) provides federal financial assistance to local educational agencies (“LEAs,”) with high numbers or high percentages of children from low-income families. LEAs typically include school districts, charter schools, county offices of education, and similar entities.

4. Title I funds are allocated through a series of federal grants based on the number of ‘formula children’ within an LEA. Formula children include economically disadvantaged children between 5 and 17 years old.

5. The number of qualifying economically disadvantaged children is determined primarily on census poverty estimates and the cost of education in each state.

6. In the 2017-18 school year, LAUSD received \$333,498,040 in Title I funds.

7. In the 2016-17 school year, LAUSD received \$329,413,803 in Title I funds.

8. In the 2015-16 school year, LAUSD received \$299,618,648 in Title I funds.

9. Title II, Part A (“Title II”) of the ESEA, as amended by the ESSA, provides federal financial assistance to help LEAs improve teacher and principal quality through professional development and to increase low-income and minority students’ access to effective teachers, principals, and other school leaders.

10. After allocation of a baseline figure tied to an LEA’s 2001-02 entitlement, the

1 remaining funds are distributed pursuant to formulas using census derived data sets. First, 80% of  
 2 the remaining funds is distributed to LEAs in proportion to the number of families with incomes  
 3 below the poverty line within an LEA. Next, 20% of the remaining funds is distributed to LEAs  
 4 in proportion to their general population.

5 11. In the 2017-18 school year, LAUSD received \$27,580,219 in Title II funds.

6 12. In the 2016-17 school year, LAUSD received \$41,348,874 in Title II funds.

7 13. In the 2015-16 school year, LAUSD received \$42,042,847 in Title II funds.

8 14. Title IV, Part A ("Title IV") of the ESEA, as amended by the ESSA, provides  
 9 federal financial assistance to LEAs to improve student access to specific educational programs as  
 10 well as educational technology.

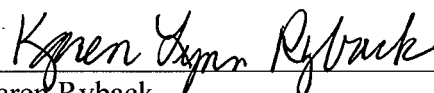
11 15. Title IV funds are allocated in direct proportion to an LEA's Title I funds.

12 16. In the 2017-18 school year, LAUSD was slated to receive an estimated \$7,000,000  
 13 in Title IV funds, if directly allocated based on formula. However, the California Department of  
 14 Education ("CDE") changed the allocation to a competitive grant. LAUSD has submitted its  
 15 application although has not yet received a response from CDE.

16 17. LAUSD depends on federal education funding for critical educational programs  
 17 and services. As the foregoing federal assistance programs are tied directly to census data, a  
 18 differential undercount on the 2020 Decennial Census for LAUSD's students or community of  
 19 any magnitude will have a measurable economic injury for LAUSD.

20  
 21 I declare under penalty of perjury, under the laws of the State of California and the United  
 22 States, that the foregoing is true and correct.

23 Executed November 16, 2018, in Los Angeles, California.

24  
 25   
 26 Karen Ryback